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Amendment

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Remarks

This Amendment is in response to the Office Action dated May 3, 2006. In the Office Action claims 38-41 and 43-53 were rejected under 35 USC 103(a) as being unpatentable over Boyle in view of US Patent No. 5,911,732 to Hojeibane. Applicant disagrees with this rejection. Claim 46 has been amended.

In putting forth the rejection, the Office Action points to Fig. 3 of Hojeibane and asserts that Hojeiban teaches all the limitations of the claims except for the coil segment having a greater length than the non-coil segments. The Office Action further asserts that the limitation would be obvious in light of the teaching of Hojeibane. There is no mention in the Office Action however that any aspect of Boyle teaches or suggests this feature.

If the Examiner intended to include the Boyle reference in this rejection, Applicant is unclear as to how to proceed and requests that clarification be made in a subsequent non-final office action, if necessary.

In the actual argument of the Office Action the Examiner states that Hojeibane fails to form the coil segment to have a greater length than the non-coil segments, but then asserts that it would be obvious in light of Hojeibane as the cited passage of Hojeibane states that "the final shape of this connector will depend primarily upon the desire of the user to have greater or lesser flexibility in the area of the articulation between the stents as the spiral connector."

However, neither the cited passage nor any other passage of Hojeibane provides any teaching or suggestion that the length may be varied; only the shape. One skilled in the art would not equate shape with length. It is widely known that changing the shape of a connector can increase or decrease the flexibility of the connector, without changing its length.

Moreover, independent claims 38 and 46 compare the lengths of a coil segment

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and a serpentine segment. Hojeibane does not draw any comparison between the lengths of the coil connectors and the non-coil segments. In fact, whatever shape the connectors of Hojeibane might have, one skilled in the art would not assume that the coiled connectors are longer than the non-coil segments unless stated otherwise.

In addition, Hojeibane does not teach serpentine segments connected by coil segments (col. 7, lines 34-36).

For at least the reasons asserted above, Applicant believes claims 38 and 46 and those claims dependent thereof are allowable in light of Hojeibane. Applicant respectfully requests that the rejection be withdrawn.

In an effort to respond to the general rejection of claims 38-41 and 43-53 under 35 USC 103(a) as being unpatentable over Boyle in view of Hojeibane, Applicant points out that there is no motivation to combine Boyle with Hojeibane.

Boyle describes the first segment 15 as having a pattern such as a large sinusoidal pattern that is wound into a continuous helix (col. 2, lines 31-35). Boyle does not teach or suggest a first segment without a pattern wound into a continuous helix. Replacing the first segment of Boyle with the connector of Hojeibane is counter to the intended purpose of Boyle which is to provide a stent having a pattern wound into a continuous helix. Thus, there is no motivation to combine the pattern-less coil aspect of Hojeibane with Boyle.

Claim 38 recites "each of the at least one coil segment extending along a greater longitudinal distance than each of the at least one serpentine segments" and amended claim 46 recites "the coil segment being longer than the tubular serpentine segment in a longitudinal direction". As stated above regarding Hojeibane, Hojeibane does not teach or suggest the coil segments as claimed. Additionally as stated above, one skilled in the art would not conclude that

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a variance of shape would make obvious connectors having a length greater than the segments connected nor is there any motivation to lengthen the connector such that it is longer than the segments connected. Thus there is no motivation to include the length aspect of Boyle with Hojeibane.

For at least the above reasons, Applicant believes claims 38 and 46 and those claims dependent thereof are allowable in light of the combination of Boyle and Hojeibane.

Applicant respectfully requests that the rejection be withdrawn.

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Conclusion

In view of the foregoing it is believed that the present application, with claims 38-41 and 43-53, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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